

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK**, on January 18, 1999  
at 8:00 A.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Dan McGee, Vice Chairman (R)  
Rep. Diana Wyatt, Vice Chairman (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Paul Clark (D)  
Rep. Bill Eggers (D)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Rick Jore (R)  
Rep. Sam Kitzenberg (R)  
Rep. Brad Molnar (R)  
Rep. Mark Noennig (R)  
Rep. Jim Shockley (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)  
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Aubyn A. Curtiss (R)

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s)	HB 47, HB 255, HB 213, HB 127, 1/18/1999
Date Posted	1/12/1999

Executive Action: HB 255, Do Pass HB 176 Do Pass  
Tabled HB 16, Tabled HB 146

Chairman Robert Clark opened the meeting.

*{Tape : 1; Side : A; Approx. Time Counter : 0 - 34}*

HEARING ON HB 47

Sponsor:

Rep. S. Anderson presented HB 47.

*{Tape : 1; Side : A; Approx. Time Counter : 34 - 81}*

**EXHIBIT**(juh13a0

1)

Proponents:

Frank Cote, Montana State Auditor

*{Tape : 1; Side : A; Approx. Time Counter : 81 - 104}*

Jacqueline Lenmark, American Insurance Association

*{Tape : 1; Side : A; Approx. Time Counter : 104 - 123}*

**EXHIBIT**(juh13a0

2)

Vern Bertelssen, Montana Senior Citizens Association

*{Tape : 1; Side : A; Approx. Time Counter : 123 - 132}*

Greg VanHorsen, State Farmer's Insurance Co.

*{Tape : 1; Side : A; Approx. Time Counter : 132 - 156}*

**EXHIBIT**(juh13a03)

Susan Witte, Blue Cross/Blue Shield

*{Tape : 1; Side : A; Approx. Time Counter : 156 - 168}*

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

*{Tape : 1; Side : A; Approx. Time Counter : 168 - 249}*

Closing by Sponsor:

Rep. Anderson made closing remarks.

*{Tape : 1; Side : A; Approx. Time Counter : 249 - 270}*

HEARING ON HB 255

Sponsor:

Rep. Anderson presented HB 255.

*{Tape : 1; Side : A; Approx. Time Counter : 270 - 331}*

**EXHIBIT** (juh13a0

4)

Proponents:

John Connor, Montana County Attorneys Association

*{Tape : 1; Side : A; Approx. Time Counter : 331 - 425}*

Christine Cook, Big Horn County Attorney

*{Tape : 1; Side : A; Approx. Time Counter : 425 - 550}*

Marty Lambert, Gallatin County Attorney

*{Tape : 1; Side : B; Approx. Time Counter : 0 - 51}*

Mike McGrath, Lewis & Clark County Attorney

*{Tape : 1; Side : B; Approx. Time Counter : 51 - 75}*

Randi Hood, Lewis & Clark County Pubic Defender

*{Tape : 1; Side : B; Approx. Time Counter : 75 - 104}*

Charles Brooks, Yellowstone County Commissioner

*{Tape : 1; Side : B; Approx. Time Counter : 104 - 127}*

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

*{Tape : 1; Side : B; Approx. Time Counter : 127 - 167}*

Closing by Sponsor:

Rep. S. Anderson made closing remarks.

*{Tape : 1; Side : B; Approx. Time Counter : 167 - 180}*

HEARING ON HB 213

Sponsor:

Rep. McGee presented HB 213.

*{Tape : 1; Side : B; Approx. Time Counter : 180 - 233}*

**EXHIBIT** (juh13a0

5)

Proponents:

Chris Christiaens, Rep. from Great Falls

*{Tape : 1; Side : B; Approx. Time Counter : 233 - 301}*

Craig Thomas, Board of Pardons & Parole

*{Tape : 1; Side : B; Approx. Time Counter : 301 - 328}*

Opponents:

Dave Ohlers, Montana Dept. of Corrections

*{Tape : 1; Side : B; Approx. Time Counter : 328 - 381}*

Informational Testimony:

Mary Craigle, Montana Dept. of Corrections

*{Tape : 1; Side : B; Approx. Time Counter : 406}*

Questions from Committee Members and Responses:

*{Tape : 1; Side : B; Approx. Time Counter : 406 - 550}*

*{Tape : 2; Side : A; Approx. Time Counter : 0 - 405}*

Closing by Sponsor:

Rep. McGee made closing statements.

*{Tape : 2; Side : A; Approx. Time Counter : 405 - 550}*

HEARING ON HB 127

Sponsor:

Rep. R. Johnson presented HB 127.

*{Tape : 2; Side : B; Approx. Time Counter : 0 - 190}*

Proponents:

Mary Wellbank, Montana Dept. of Public Health and Human Services,  
Child Support Enforcement Division

*{Tape : 2; Side : B; Approx. Time Counter : 190 - 550}*

*{Tape : 3; Side : A; Approx. Time Counter : 0 - 21}*

**EXHIBIT**(juh13a0

6)

Kate Cholewa, Montana Women's Lobby

*{Tape : 3; Side : A; Approx. Time Counter : 21 - 56}*

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

*{Tape : 3; Side : A; Approx. Time Counter : 56 - 105}*

Chairman Clark relinquished chair to McGee

*{Tape : 3; Side : A; Approx. Time Counter : 105 - 252}*

**EXHIBIT**(ju

h13a07)

**EXHIBIT**(ju

h13a08)

*{Tape : 3; Side : A; Approx. Time Counter : 252 - 550}*

*{Tape : 3; Side : B; Approx. Time Counter : 0 - 270}*

Closing by Sponsor:

Rep. Johnson waived closing.

EXECUTIVE ACTION ON HB 16

**Motion/Vote:** Rep. Anderson moved that HB 16 be tabled. Motion carried 16-2 with Gallus and Hurdle voting no. Chairman Clark was absent at this time.

EXECUTIVE ACTION ON HB 255

**Motion/Vote:** Rep. Ahner moved that HB 255 be **PASSED**. Motion carried 17-1 with Molnar voting no. Chairman Clark was absent at this time.

EXECUTIVE ACTION ON HB 176

**Motion/Vote:** Rep. Younkin moved that HB 176 be **PASSED**. Motion carried unanimously.

Discussion on HB 42, was decided to postpone HB 42 to a later date.

- 9) **EXHIBIT(juh13a0**  
0) **EXHIBIT(juh13a1**  
1) **EXHIBIT(juh13a1**

**EXECUTIVE ACTION ON HB 146**

**Substitute Motion:** Rep. Facey made a motion that HB 146 be  
**PASSED** as amended.

that failed 8 votes to 11 with Rep. Hurdle, Gutsche, Williams, P.  
Clark, Wyatt, Jore, Molnar, Shockley, Soft, Kitzenberg and R.  
Clark dissenting.

**HB 146** was then tabled.

*{Tape : 3; Side : B; Approx. Time Counter : 270 - 550}*

*{Tape : 4; Side : A; Approx. Time Counter : 0 - 550}*

**Vice-Chair McGee** adjourned the meeting after **Rep. Shockley** made  
the motion.

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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REP. ROBERT C. CLARK, Chairman

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PAM SCHINDLER, Secretary

RC/PS

**EXHIBIT** (juh13aad)